

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

I N D E X

<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	Re- <u>dir.</u>	Re- <u>crx.</u>	By <u>Examiner</u>
-------------------	-------------	-------------	--------------------	--------------------	-----------------------

NONE

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
---------------	---------------------------	--------------------

NONE

1 JUDGE HAYNES: Pursuant to the direction of
2 the Illinois Commerce Commission, I now call
3 Docket 05-0355. This is the complaint of Girish N.
4 Sahay versus Commonwealth Edison Company.

5 May I have your name and address for
6 the record, please.

7 MR. SAHAY: My name is Girish N. Sahay and I
8 live at 2809 Modaff Road, Naperville, Illinois
9 60565.

10 MR. GOLDSTEIN: On behalf of Commonwealth Edison
11 Company, Mark L. Goldstein, 108 Wilmot Road, Suite
12 330, Deerfield, Illinois 60015. My telephone number
13 is 847-580-5480. I have with me today John Parise
14 of Commonwealth Edison Company.

15 JUDGE HAYNES: Okay. This is the first time
16 that this complaint is up.

17 Mr. Sahay --

18 MR. SAHAY: Yes.

19 JUDGE HAYNES: -- will you be represented by an
20 attorney in this matter?

21 MR. SAHAY: Well, I was never told, you know,
22 because when I took up the case, that one person

1 from Illinois Commerce Commission, his first name
2 is, also, John, Swab (phonetic), you know, something
3 like this, if I could remember, he never mentioned
4 that you have to be represented by an attorney.

5 But, I did have attorney and he was
6 here last time, but, I think, he should be here
7 today, but I don't know what time he be done with
8 his case.

9 JUDGE HAYNES: Okay. I'm looking at this
10 complaint. You're listed as the complainant, but is
11 the account with ComEd in your name personally?

12 MR. SAHAY: No, in the name of my company.

13 JUDGE HAYNES: And the name of the company is?

14 MR. SAHAY: M & G Enterprises, Inc.

15 JUDGE HAYNES: And what's your position there?

16 MR. SAHAY: I'm the president and the owner.

17 JUDGE HAYNES: Okay. For today you don't need
18 an attorney. This is just a status hearing.

19 MR. SAHAY: He will be here, but he might be
20 late, you know. But he had a court date today at
21 10:00 o'clock, so, I don't know what time he be
22 done.

1 JUDGE HAYNES: Okay. So, like, I said, today is
2 just a status hearing and we're just here to set
3 dates for the proceeding and, also, to let you know
4 how the proceedings here at the Commission work.
5 But, also, the Commission likes to give parties an
6 opportunity to discuss with each other what the
7 complaint is about. And so, after we go through
8 dates together, I would like to give the parties an
9 opportunity to use this room, without me there, to
10 possibly settle this matter.

11 MR. SAHAY: Okay.

12 JUDGE HAYNES: So, just so you know, we won't
13 have the actual evidentiary hearing today. First,
14 we have a period of time that's called discovery,
15 where you'll be exchanging documents with the
16 company.

17 MR. SAHAY: Yes.

18 JUDGE HAYNES: And, then, once the party has
19 completed that exchange of information, we can
20 either have another status hearing, or we can go
21 right to the evidentiary hearing or trial. So, we
22 need to pick a date for that today. And on that

1 date is when you'll present all of your evidence.

2 And if you have any witnesses you want to bring, any
3 paperwork, you would bring it on that day and you
4 would present it at that time. But, obviously, your
5 attorney can help you with this.

6 MR. SAHAY: I will make it a point that he know.
7 He'll be here today, also.

8 JUDGE HAYNES: And, then, on that date is when
9 your attorney will have an opportunity to question
10 the company's witnesses and you need to bring your
11 witnesses that day.

12 So, today is really just scheduling
13 and that sort of thing.

14 MR. SAHAY: Sure.

15 JUDGE HAYNES: Mr. Goldstein, you look like you
16 have something to say.

17 MR. GOLDSTEIN: I guess the only thing I would
18 say is Mr. Parise has had a substantial amount of
19 discussion with Mr. Sahay prior to the formal
20 complaint being filed. And up to this point in
21 time, it appears to me that there has not been very
22 much progress made with respect towards scheduling

1 the matter.

2 I guess, we're more than happy to
3 exchange documents with Mr. Sahay, if he would tell
4 us what he requires of us, and we can go forward to
5 an evidentiary hearing. We'll be happy this morning
6 to spend a few minutes with Mr. Sahay to see if
7 there is any progress that could be made towards
8 settlement.

9 JUDGE HAYNES: Before we actually pick a date
10 for the hearing, I was looking at your complaint and
11 is it my understanding that you're complaining about
12 your bills --

13 MR. SAHAY: Yes.

14 JUDGE HAYNES: -- from November 27th of 2002 --

15 MR. SAHAY: Uh-hum.

16 JUDGE HAYNES: -- through the period of May 27th
17 of 2005?

18 MR. SAHAY: In fact, you know, I wrote a letter
19 to the Chief Clerk of the Illinois Commerce
20 Commission, 6-7-05. Since I found same thing was
21 happening in the later bills -- because my first
22 complaint, that was in June 2004, I had sent a

1 letter to some Mike, you know, of Commonwealth
2 Edison, but later on I found the same thing
3 appearing in my billing. So, on 6-7-05, I wrote a
4 letter to the Chief Clerk of the Illinois Commerce
5 Commission. So, actually, I would like my period to
6 be covered from November of 2002, when I took, you
7 know, that place, until June 29, 2005, when the last
8 reading was taken.

9 JUDGE HAYNES: What happened in November of
10 2002? Is that when you bought the business?

11 MR. SAHAY: Yes.

12 JUDGE HAYNES: Bought the building? Bought the
13 whole business? Is that when the account at ComEd
14 was switched into your name?

15 MR. SAHAY: Yes. They came and took the actual
16 reading, you know, of the meter on that day. Yes.

17 JUDGE HAYNES: And you're arguing that they
18 miscalculated the demand charges. So, it's a
19 billing error.

20 MR. SAHAY: Yes.

21 And when I raised this question first
22 before you called, you know, I was talking to other

1 people at ComEd, they send me a book, you know,
2 understanding your demand, you know. And I sort of
3 fill you in, I'm an engineer by profession. I was
4 telling them, you know, I came to this country in
5 1974. I've been hired by government of the United
6 States Department of Energy to assist in some
7 classification program that I (inaudible), where I
8 did my master, and I was working on my Ph.D. In
9 1982 when the whole energy program was shut down I
10 (inaudible).

11 So, this is my profession is to do the
12 fuel consumption. So, these calculations, I just
13 told John, that when I looked into the billing, I
14 found that there are about nine items in which they
15 do the calculations and add up all and that is the
16 charge they're charging the customers.

17 So, I look into details of all,
18 there's only two items, you know, which I would like
19 to bring to their attention and one is the demand
20 charges and the other energy charges. And my whole
21 discussion will focus, first on the demand and next
22 I will talk on the energy.

1 JUDGE HAYNES: Okay.

2 MR. SAHAY: And, maybe, at the end I might like
3 to give some recommendation to the ComEd because,
4 maybe, the general public do not understand what is
5 going on over there, but when I recommend you with
6 some instances --

7 JUDGE HAYNES: I'm sorry, you're going to have
8 to repeat that.

9 MR. SAHAY: If I give some instances that --

10 JUDGE HAYNES: Instances?

11 MR. SAHAY: Yes.

12 That might help you to rectify that.
13 Yes.

14 JUDGE HAYNES: Okay. If I'm understanding you
15 correctly, this is not specific to you?

16 MR. SAHAY: Well, it is specific to me now, but
17 I feel that it might be specific to the intelligence
18 of other customers, who do not understand these
19 billings, that do not have any technical background
20 to understand how these calculations are made. What
21 is the basis, you know? When you charge anybody
22 anything, there must be some base. You can't say,

1 Okay, you have to pay \$1,000 for your electric bill.
2 Why are you charging \$1,000? That would be a base.
3 And I will the base with you. I don't know who are
4 the first person who design, you know, calculating
5 all these, you know. But as for my understanding --
6 understanding the demand with 40 years of my
7 technical experience, you know, I could not
8 understand what they want to say here. I talked
9 to --

10 JUDGE HAYNES: This is something we can explore
11 when you are sworn in at the actual trial. You can
12 explain at that time why you believe your bill is
13 calculated incorrectly.

14 So, are you comfortable continuing
15 without your attorney present here?

16 MR. SAHAY: Yes.

17 JUDGE HAYNES: Okay. Well, I think, then, we'll
18 pick a date for the trial. As far as discovery
19 goes, which your attorney will help you with, I
20 think that we can do this on an informal basis --
21 informal in that we won't set actual deadlines for
22 when you will have to exchange documents. But, if

1 there's any issues with getting documents from
2 either party, we can schedule a status hearing. You
3 can call me and we can schedule a status hearing to
4 address any issues that may arise with discovery.
5 But, I think, at this point we'll just set an
6 evidentiary hearing.

7 Mr. Goldstein.

8 MR. GOLDSTEIN: Well, if there's going to be
9 discovery, we do not want to be put in the position
10 where a substantial amount of discovery is thrown
11 our way and we have one or two days before the
12 evidentiary hearing in order to comply with the
13 discovery requests. So, therefore, I would suggest
14 that we set discovery dates and discovery cutoffs
15 and go from there to an evidentiary hearing.

16 JUDGE HAYNES: That's fine. Frequently, parties
17 don't want to set dates, but if you want to set
18 dates, we can do that.

19 Do you have a suggestion for dates?

20 MR. GOLDSTEIN: I have a suggestion with respect
21 to the evidentiary hearing date.

22 JUDGE HAYNES: Okay. We can work from there.

1 MR. GOLDSTEIN: Based upon the various schedules
2 here, I suggest the week of September 19th.

3 JUDGE HAYNES: Two months from now?

4 MR. GOLDSTEIN: Yes, almost two months.

5 That way we can finish discovery
6 requests and responses, say, within 45 days from
7 today, and that would pretty much finish everything
8 off in time to have the hearing.

9 JUDGE HAYNES: The only day I'm available that
10 week is September 20th.

11 Are you available, Mr. Sahay?

12 MR. SAHAY: I'm available every day, but I don't
13 know what is the schedule of my attorney.

14 Can I make a call outside?

15 JUDGE HAYNES: Sure. September 20th.

16 (Short recess.)

17 JUDGE HAYNES: Back on the record.

18 Were you able to reach your attorney,
19 Mr. Sahay?

20 MR. SAHAY: No. I left a message, but I will
21 get a hold of him definitely and I will ask him to
22 give him a call.

1 JUDGE HAYNES: Okay. So, rather than picking
2 the actual evidentiary trial date, because I assume
3 you'll want your attorney present at that, let's
4 schedule a status for the end of August.

5 Are you available August 30th?

6 MR. SAHAY: I'm available every day.

7 JUDGE HAYNES: And, if your attorney is not
8 available, we can switch this date, as well. But,
9 for now --

10 MR. SAHAY: If he don't have any assignment on
11 that day, I think he will be here. And I'm pretty
12 sure he will come today. He had a court date at
13 10:00 o'clock. You know the court, it's 10:00
14 o'clock and then it lingers to 11:00, 11:30.

15 JUDGE HAYNES: Okay.

16 MR. GOLDSTEIN: Judge, I have a hearing at 10:00
17 o'clock on August 30th. So, if you wish to set this
18 for, say, 11:00 o'clock that would be perfect, as
19 far as I'm concerned.

20 MR. SAHAY: Make it afternoon. I live in the
21 suburbs. And when you give a time like 10:00
22 o'clock, you know, I'm stuck in traffic for two and

1 a half hours or more. But the afternoon, any time
2 between 1:00 to 3:00 will be more suitable to me.

3 MR. PARISE: How about 11:00 o'clock?

4 JUDGE HAYNES: Was it hard today getting here by
5 11:00?

6 MR. SAHAY: Well, you know, to be at 11:00 I
7 have to start at 9:00 o'clock, and 9:00 to 10:00 is
8 very heavy traffic. I have to drive on four
9 different highways to come over here, you know.

10 12:00 o'clock should be better.

11 JUDGE HAYNES: 12:00 o'clock?

12 MR. SAHAY: Yes.

13 MR. GOLDSTEIN: That's fine with me.

14 JUDGE HAYNES: Okay. 12:00 o'clock. Noon.

15 So, at that hearing we'll discuss if
16 there's any issues with discovery and --

17 MR. SAHAY: 12:00 o'clock on what date?

18 JUDGE HAYNES: August 30th. Tuesday,
19 August 30th. And we'll pick a date for the
20 evidentiary hearing.

21 MR. SAHAY: What day is that, August 30th?

22 JUDGE HAYNES: It's a Tuesday.

1 MR. SAHAY: Okay.

2 JUDGE HAYNES: At noon.

3 MR. SAHAY: Right over here?

4 JUDGE HAYNES: I don't know which room, but this
5 building.

6 Okay. We are continued until
7 August 30th at noon.

8 The parties may stay in this room if
9 they want to continue discussions.

10 (Whereupon, the above-entitled
11 matter was continued to
12 August 30th, 2005.)

13

14

15

16

17

18

19

20

21

22